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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 RUBEN FLORES,

13 Plaintiff,

14 v.

15 ASSUREHIRE, INC.,

16 Defendant.

Case No.: 2:25-cv-01621-WLH-SK

Assigned to Hon. Wesley L. Hsu

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF DEFENDANT
ASSUREHIRE, INC.'S MOTION TO
DISMISS PURSUANT TO FED. R.
CIV. P. 12(b)(6)**

Hearing Date: May 30, 2025
Hearing Time: 1:30 p.m.
Courtroom: 9B

Complaint filed: February 26, 2025
Trial Date: Not set

1 **TO THE COURT, CLERK, ALL PARTIES, AND THEIR COUNSEL OF**
2 **RECORD:**

3 Pursuant to Federal Rule of Evidence 201, Defendant AssureHire Inc. hereby
4 requests that the Court take judicial notice of the following document and the contents
5 thereof:

6 **Exhibit A** is a true and correct copy of the subject
7 confidential background check report sent to Plaintiff
8 Ruben Flores on or about December 5, 2024 (the
9 “Report”), which is the document at the core of this case.

10 Under Rule 201, the Court may consider the Report sent by AssureHire to
11 Plaintiff Ruben Flores under the “incorporation by reference” doctrine. “That doctrine
12 permits a district court to consider documents whose contents are alleged in a complaint
13 and whose authenticity no party questions, but which are not physically attached to the
14 [plaintiff’s] pleading.” *In re Silicon Graphics Sec. Litig.*, 183 F.3d 970, 986 (1999)
15 (internal quotation omitted) *superseded by statute on other grounds*; *Neilson v. Union*
16 *Bank of Cal., N.A.*, 290 F. Supp. 2d 1101, 1112-15 (C.D. Cal. 2004) (same).

17 All of Plaintiff’s claims are based exclusively on the Report that AssureHire
18 provided to Plaintiff and Plaintiff’s prospective employer. *See, e.g.*, Compl. ¶¶ 44-60.
19 Although Plaintiff quotes from part of the Report (*id.* at ¶ 48) and his entire action is
20 premised on the Report, Plaintiff does not attach the actual Report to his Complaint.

21 During the parties’ meet and confer efforts, AssureHire’s counsel provided
22 Plaintiff’s counsel with a copy of the Report attached as Exhibit A, and Plaintiff’s
23 counsel did not dispute the authenticity of the document. *See* Miller Decl. ¶ 5.
24 Accordingly, judicial notice of the Report is appropriate here to show that the Report
25 does not support Plaintiff’s claims. *See Wietschner v. Monterey Pasta Co.*, 294 F. Supp.
26 2d 1102, 1110 (N.D. Cal. 2003) (“Where a plaintiff fails to attach to the complaint
27 documents referred to in it, and upon which the complaint is premised, a defendant may
28

1 attach to the motion to dismiss such documents in order to show that they do not support
2 plaintiff's claim.").

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4 DATED: April 14, 2025

Respectfully submitted,
GLASER WEIL FINK HOWARD
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6 By: /s/ Elizabeth A. Sperling
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7 Alexander R. Miller
Attorneys for Defendant
8 AssureHire Inc.
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